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Atty. Dkt. No. 072121-0371

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David CHIEN et al.

Title: DEVICE AND METHOD FOR IN-LINE BLOOD TESTING USING  
BIOCHIPS

Appl. No.: 10/733,767

Filing Date: 12/12/2003

Examiner: Unassigned

Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 21, 2004

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By Richard C. Peet

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Registration No. 35,792

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/733,767
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				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	072121-0371
Sheet	1	of	5	O I P E P A T E N T & T R A D E M A R K O F F I C E M A Y 2 1 2 0 0 4	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	60/480,431		SHYAMALA	06-20-2003	
	A2	4,987,071		CECH et al.	01-22-1991	
	A3	5,037,746		CECH et al.	08-06-1991	
	A4	5,116,742	A	CECH et al.	05-26-1992	
	A5	5,144,019	A	ROSSI et al.	09-01-1992	
	A6	5,180,818	A	CECH et al.	01-19-1993	
	A7	5,225,337	A	ROBERTSON et al.	07-06-1993	
	A8	5,254,678	A	HASELOFF et al.	10-19-1993	
	A9	5,298,612	A	JENNINGS et al.	03-29-1994	
	A10	5,354,855	A	CECH et al.	10-11-1994	
	A11	5,472,840	A	STEFANO	12-15-1995	
	A12	5,494,814	A	HASELOFF et al.	02-27-1996	
	A13	5,496,698	A	DRAPER et al.	03-05-1996	
	A14	5,543,508	A	HASELOFF et al.	08-06-1996	
	A15	5,574,143	A	HASELOFF et al.	11-12-1996	
	A16	5,589,332	A	SHIH et al.	12-31-1996	
	A17	5,589,580	A	HASELOFF et al.	12-31-1996	
	A18	5,616,459	A	KRAMER et al.	04-01-1997	

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code <sup>2</sup> (if known)			
	A19	5,652,094	A	USMAN et al.	07-29-1997	
	A20	5,663,064	A	BURKE et al.	09-02-1997	
	A21	5,679,520	A	HOGAN et al.	10-21-1997	
	A22	5,698,687	A	ECKSTEIN et al.	12-16-1997	
	A23	5,707,835	A	HASELOFF et al.	01-13-1998	
	A24	5,712,128	A	BEEN et al.	01-27-1998	
	A25	5,741,679	A	GEORGE et al.	04-21-1998	
	A26	5,741,706	A	LEAVITT et al.	04-21-1998	
	A27	5,747,335	A	HASELOFF et al.	05-05-1998	
	A28	5,763,181	A	HAN et al.	06-09-1998	
	A29	5,766,942	A	HASELOFF et al.	06-16-1998	
	A30	5,769,811	A	STACEY et al.	06-23-1998	
	A31	5,795,729	A	LEE	08-18-1998	
	A32	5,840,874	A	HASELOFF et al.	11-24-1998	
	A33	5,843,658	A	UCHIYAMA et al.	12-01-1998	
	A34	5,939,538	A	LEAVITT et al.	08-17-1999	
	A35	5,942,395	A	FOURNIER et al.	08-24-1999	
	A36	5,972,595	A	KASILA et al.	10-26-1999	

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	A37	5,998,193	A	KEESE et al.	12-07-1999	
	A38	6,004,806	A	McCALL et al.	12-21-1999	
	A39	6,025,167	A	CECH et al.	02-15-2000	
	A40	6,087,484	A	GOODCHILD	07-11-2000	
	A41	6,100,087	A	ROSSI et al.	08-08-2000	
	A42	6,127,114	A	HASELOFF et al.	10-03-2000	
	A43	6,127,173	A	ECKSTEIN et al.	10-03-2000	
	A44	6,140,491	A	USMAN et al.	10-31-2000	
	A45	6,180,399	A	CECH et al.	01-30-2001	
	A46	6,194,180	B1	JOYCE	02-27-2001	
	A47	6,221,661	B1	HAMPEL et al.	08-21-2001	
	A48	6,251,666	B1	BEIGELMAN	06-26-2001	
	A49	6,280,936	B1	BURGIN et al.	08-28-2001	
	A50	6,287,821	B1	SHI et al.	09-11-2001	
	A51	6,323,186	B1	KLAUBERT et al.	11-27-2001	
	A52	6,379,931	B1	ROSSI et al.	04-30-2002	
	A53	6,387,617	B1	ASHER et al.	05-14-2002	
	A54	6,399,392	B1	HAUGLAND et al.	06-04-2002	

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		Number	Kind Code <sup>2</sup> (if known)			
	A55	6,482,932	B1	BEIGELMAN et al.	11-19-2002	

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.				
	A56	CAIRNS et al., "Catalytic DNA: A Novel Tool for Gene Suppression," <u>Curr. Drug Targets</u> , 2002, pp. 269-279, Vol. 3, Bentham Science Publishers Ltd.				
	A57	CARMI et al., "Cleaving DNA with DNA," <u>Proc. Natl. Acad. Sci.</u> , March 1998, pp. 2233-2237, Vol. 95				
	A58	CARSON et al., "Simultaneous quantitation of 15 cytokines using a multiplexed flow cytometric assay," <u>Journal of Immunological Methods</u> , 1999, pp. 41-52, Vol. 227, Nos. 1-2, Elsevier				
	A59	DAVIES et al., "Profiling of Amyloid $\beta$ Peptide Variants Using SELDI ProteinChip® Arrays," <u>Biotechniques</u> , December 1999, pp. 1258-1261, Vol. 27, No. 6				
	A60	FORTINA et al., "DOP-PCR Amplification of Whole Genomic DNA and Microchip-Based Capillary Electrophoresis," <u>Methods in Molecular Biology</u> , Vol. 163: <u>Capillary Electrophoresis of Nucleic Acids</u> , Vol. 2: <u>Practical Applications of Capillary Electrophoresis</u> , 2001, pp. 211-219, Humana Press Inc., Totowa, NJ				
	A61	FORTINA et al., "Simple two-color array-based approach for mutation detection," <u>European J. Human Genetics</u> , November 2000, pp. 884-894, Vol. 8, No. 11				
	A62	GILDERSLEEVE et al., "Development of a Genetic Selection for Catalytic Antibodies," <u>Bioorganic &amp; Medicinal Chemistry Letters</u> , 2002, pp. 1691-1694, Vol. 12, Elsevier Science Ltd.				
	A63	GILLES et al., "Single nucleotide polymorphic discrimination by an electronic dot blot assay on semiconductor microchips," <u>Nature Biotechnology</u> , April 1999, pp. 365-370, Vol. 17, No. 4				
	A64	HUNT et al., "Detection of West Nile Virus Antigen in Mosquitoes and Avian Tissues by a Monoclonal Antibody-Based Capture Enzyme Immunoassay," <u>J. Clin. Microbiology</u> , June 2002, pp. 2023-2030, Vol. 40, No. 6				
	A65	KONG et al., "A Circular RNA-DNA Enzyme Obtained by <i>in Vitro</i> Selection," <u>Biochem. Biophys. Res. Commun.</u> , 2002, pp. 1111-1115, Vol. 292, Elsevier Science (USA)				

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(use as many sheets as necessary)				Attorney Docket Number	072121-0371
Sheet	5	of	5		

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	A66	LANCIOTTI et al., "Nucleic Acid Sequence-Based Amplification Assays for Rapid Detection of West Nile and St. Louis Encephalitis Viruses," <u>Journal of Clinical Microbiology</u> , December 2001, pp. 4506-4513, Vol. 39, No. 12			T <sup>6</sup>
	A67	NAM et al., "Nanoparticle-Based Bio-Bar Codes for the Ultrasensitive Detection of Proteins," <u>Science</u> , September 26, 2003, pp. 1885-1886, vol. 301			
	A68	OKAMOTO et al., "Microarray fabrication with covalent attachment of DNA using Bubble Jet technology," <u>Nature Biotechnology</u> , April 2000, pp. 436-443, Vol. 18, No. 4			
	A69	PETRIK, "Microarray technology: the future of blood testing?" <u>Vox Sanguinis</u> , January 2001, pp. 1-11, Vol. 80, No. 1, Blackwell Science			
	A70	RIDER et al., "A Cell-Based Sensor for Rapid Identification of Pathogens," <u>Science</u> , July 11, 2003, pp. 213-215, Vol. 301			
	A71	SAMBROOK et al. (Eds.), <u>Molecular Cloning, A Laboratory Manual, 2<sup>nd</sup> Edition</u> , Chapter 14, "Description of PCT Protocols, Cold Spring Harbor Laboratory Press, 1989			
	A72	VAISH et al., "Monitoring post-translational modification of proteins with allosteric ribozymes," <u>Nature Biotechnology</u> , August 2002, pp. 810-815, Vol. 20			
	A73	WANG et al., "A General Strategy for Effector-mediated Control of RNA-cleaving Ribozymes and DNA Enzymes," <u>J. Mol. Biol.</u> , 2002, pp. 33-43, vol. 318, Elsevier Science Ltd.			
	A74	WANG et al., "A general approach for the use of oligonucleotide effectors to regulate the catalysis of RNA-cleaving ribozymes and DNAzymes," <u>Nuc. Acid Res.</u> , 2002, pp. 1735-1742, Vol. 30, No. 8, Oxford University Press			
	A75	YUEN et al., "Microchip Module for Blood Sample Preparation and Nucleic Acid Amplification Reactions," <u>Genome Research</u> , March 2001, pp. 405-412, Vol. 11, No. 3, Cold Spring Harbor Laboratory Press			

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